

AUG 18 2011

AUG 22 2011

PROB 22 (Rev 2/88)		David J. Bradley, Clerk of Court		CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS DOCKET NUMBER (Trans Court) <u>2:03CR00004-002</u> BY <u>[Signature]</u> DEPUTY CLERK DOCKET NUMBER (Rec Court) <u>A:11-CR-425-SS</u>	
TRANSFER OF JURISDICTION		NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Robert Garcia Del Valle, TX		DISTRICT SOUTHERN DISTRICT OF TEXAS	DIVISION CORPUS CHRISTI
		NAME OF SENTENCING JUDGE Hayden Head			
		DATES OF PROBATION/ SUPERVISED RELEASE	FROM April 25, 2011	TO April 24, 2014	
OFFENSE Conspiracy to Possess With Intent to Distribute Approximately 42 Kilograms of Marihuana, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D)					
PART 1 - ORDER TRANSFERRING JURISDICTION					
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS					
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the <u>WESTERN DISTRICT OF TEXAS</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*					
<u>7/18/11</u> Date		<u>[Signature]</u> HAYDEN HEAD Senior United States District Judge			
*This sentence may be deleted in the discretion of the transferring Court					
PART 2 - ORDER ACCEPTING JURISDICTION					
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS					
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.					
<u>8-15-11</u> Effective Date		<u>[Signature]</u> United States District Judge			
TRUE COPY I CERTIFY ATTEST: <u>8-18-11</u> Date <u>1</u> # of pages					
DAVID J. BRADLEY, Clerk of Court					
By <u>[Signature]</u> Deputy Clerk					

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
FILED

JAN - 8 2003

MICHAEL N. MILBY, CLERK

UNITED STATES OF AMERICA

v.

GARY GAROUTTE
ROBERT GARCIA

§
§
§
§
§
§

CRIMINAL NO. **C - 03 - 4**

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about June 26, 2002 to on or about July 6, 2002, in the Corpus Christi Division of the Southern District of Texas, and elsewhere within the jurisdiction of the Court, the defendants,

GARY GAROUTTE, and
ROBERT GARCIA,

did knowingly and intentionally conspire and agree together, with each other, and with other persons known and unknown to the Grand Jurors, to knowingly and intentionally possess with intent to distribute a controlled substance, that is less than fifty (50) kilograms of marihuana, to wit: approximately forty-four (44) kilograms of marihuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(D).

COUNT TWO

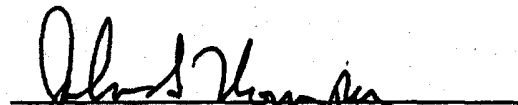
On or about July 6, 2002 in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendants,

GARY GAROUTTE, and
ROBERT GARCIA

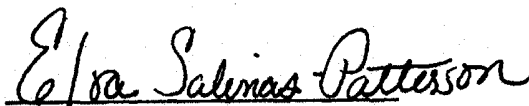
did knowingly and intentionally possess with intent to distribute a controlled substance, that is less than fifty (50) kilograms of marihuana, to-wit: approximately forty-four (44) kilograms of marihuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(D).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

MICHAEL T. SHELBY
UNITED STATES ATTORNEY

By: 
ELSA SALINAS-PATTERSON
Assistant United States Attorney

UNITED STATES DISTRICT COURT

Southern District of Texas

Holding Session in Corpus Christi

United States District Court
Southern District of Texas
ENTERED

SEP 02 2003

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

v.

ROBERT GARCIA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:03CR00004-002

☐ See Additional Aliases sheet.David Alan Higdon
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One on June 2, 2003☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 U.S.C. §846, 841(a)(1) and 841(b)(1)(D)	Conspiracy to Possess With Intent to Distribute Approximately 42 Kilograms of Marihuana	07/06/2002	1

☐ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) Two ☒ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 569-23-5154Defendant's Date of Birth: 06/06/1971Defendant's USM No.: 23773-179

Defendant's Residence Address:

1110 KeralumMission, Texas 78572

Defendant's Mailing Address:

1110 KeralumMission, Texas 78572August 26, 2003

Date of Imposition of Judgment


Signature of Judicial Officer

HAYDEN W. HEAD JR.

UNITED STATES DISTRICT JUDGE

Name and Title of Judicial Officer

Date 8/31/0350

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 60 months.

☐ See Additional Imprisonment Terms.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 pm on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

Upon a finding of a violation of probation or a term of release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Robert Garcia Date 4-26-11
Defendant

DeShonda Vard Date 4/26/2011
U.S. Probation Officer/Designated Witness

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

SUPERVISED RELEASEUpon release from imprisonment, the defendant shall be on supervised release for a term of 3 year(s).☐ See Additional Supervised Released Terms Sheet.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.☒ See Additional Mandatory Conditions Sheet

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION☒ See Special Conditions of Supervision.

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

ADDITIONAL MANDATORY CONDITIONS

MANDATORY DRUG TESTING: The defendant shall participate in mandatory drug testing as directed by the Probation Office at a rate of not less than 4 times nor more than 8 times per month, unless reduced at the discretion of the Probation Office. The defendant shall contribute to the costs of the testing based on ability to pay as determined by the Probation Office.

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

SPECIAL CONDITIONS OF SUPERVISION

GANG PROHIBITION: The defendant is not to be affiliated with any organized gang and is not to participate in gang-related activities or to associate with any gang members.

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 1,000.00	\$

☐ See Additional Terms for Criminal Monetary Penalties Sheet.

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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☐ See Additional Restitution Payees Sheet.

TOTALS	\$0.00	\$0.00
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☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for the ☒ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: ROBERT GARCIA

CASE NUMBER: 2:03CR00004-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of _____ due immediately, balance due
☐ not later than _____, and/or
☐ in accordance with ☐ C, ☐ D, and/or ☐ E, below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ E below); or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☒ Special instructions regarding the payment of criminal monetary penalties:
 Make all payments payable to: U.S. District Clerk, 1133 N Shoreline Blvd Ste 208, Corpus Christi, TX 78401.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number
(Including Defendant Number)

Defendant Name

Joint and Several
Amount

- ☐ See Additional Defendants Held Joint and Several sheet.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ☐ See Additional Forfeited Property Sheet.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Corpus Christi)
CRIMINAL DOCKET FOR CASE #: 2:03-cr-00004-2
Internal Use Only**

Case title: USA v. Garoutte, et al

Date Filed: 01/08/2003
Date Terminated: 08/26/2003

Assigned to: Judge Hayden Head

Defendant (2)

Richard NMI Garcia

TERMINATED: 08/26/2003

also known as

Robert Garcia

represented by **David Alan Higdon**

Attorney at Law

4739 S. Jackson

Edinburg, TX 78539

956-682-3451

Fax: 956-682-3453 fax

Email: david@higdonlawfirm.com

TERMINATED: 08/26/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

Did knowingly and intentionally
conspire to possess with intent to
distribute approximately 44 kilograms
of marihuana- 21 USC 846, 841(a)(1)
and 841(b)(1)(D). Date of Offense:
6/26/02 to 7/6/02. PENALTY: Not
more than 5 years imprisonment, a fine
of up to \$250,000, at least 2 years SRT,
\$100 Special Assessment.
(1)

Disposition

60 mos BOP; 3 years Supervised
Release Term; \$1,000 fine; \$100
Special Assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

Did knowingly and intentionally
possess with intent to distribute
approximately 44 kilograms of
marihuana- 21 USC 841(a)(1) and 841

Disposition

TRUE COPY I CERTIFY
ATTEST: 8-18-11 Date 7 # of pages
DAVID J. BRADLEY, Clerk of Court
By Donna Leull
Deputy Clerk

(b)(1)(D). Date of Offense: 7/6/02.
PENALTY: Not more than 5 years
imprisonment, a fine of up to \$250,000,
at least 3 years SRT, a \$100 special
assessment and community restitution
up to the amount of any fine imposed
by the court.
(2)

Dismissed on government's motion

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Financial Litigation**
U S Attorney's Office
Southern District of Texas
P O Box 61129
Houston, TX 77208
713-567-9000
Fax: 713-718-3391 fax
Email: flu.usatxs-@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

US Marshal - CC
1133 North Shoreline, Room 109
Corpus Christi, TX 78401
361-888-3154
Fax: 361-888-3174
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

US Pretrial Svcs-CC
1133 N Shoreline Blvd
Rm 114
Corpus Christi, TX 78401
361-888-3411
Fax: 361-888-3419 fax
Email:
txsptdb_corduty@txspt.uscourts.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Designation: Retained

US Probation - CC

1133 North Shoreline Blvd, Room 124
Corpus Christi, TX 78401

361-888-3518 fax

Fax: 361-888-3518 fax

Email:

TXSPdb_CorDuty@txsp.uscourts.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Elsa Salinas

Office of the U S Attorney

800 N Shoreline Blvd

Ste 500

Corpus Christi, TX 78401

361-888-3111

Fax: 361-888-3200

Email: elsa.salinas@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Docket Text
01/08/2003	<u>1</u>	INDICTMENT as to Robert NMI Garcia (2) count(s) 1, 2 ,filed. (kbledsoe) (Entered: 04/07/2003)
01/08/2003	<u>2</u>	NOTICE of Related Case by USA as to Robert NMI Garcia , filed. (kbledsoe) (Entered: 04/07/2003)
01/08/2003	<u>3</u>	MOTION by USA as to Robert NMI Garcia to seal Indictment and Related Documents , filed. (kbledsoe) (Entered: 04/07/2003)
01/08/2003	<u>5</u>	MOTION by USA as to Robert NMI Garcia for Issuance of Warrant , and to set Bond , filed. (kbledsoe) (Entered: 04/07/2003)
01/09/2003	<u>6</u>	ORDER granting [3-1] motion to seal Indictment and Related Documents as to Robert NMI Garcia (2) (Signed by Magistrate Judge B. J. Ellington), entered. Parties ntfd. (kbledsoe) (Entered: 04/07/2003)
01/09/2003	<u>8</u>	ORDER granting [5-1] motion for Issuance of Warrant as to Robert NMI Garcia (2), granting [5-2] motion to set Bond -WITHOUT BOND (Signed by Magistrate Judge B. J. Ellington), entered. Parties ntfd. (kbledsoe) (Entered: 04/07/2003)
01/09/2003		arrest WARRANT issued as to Robert NMI Garcia (kbledsoe) (Entered: 04/07/2003)
01/29/2003		(Court only) **Added Government Attorney Elsa Salinas, U S Marshal - C,

		U S Probation, Pretrial Services - CC, Financial Litigation (Irivera) (Entered: 01/31/2003)
01/31/2003		(Court only) **Bar code printed for [8-1] redacted indictment (Irivera) (Entered: 01/31/2003)
02/26/2003		(Court only) **Bar code printed for [13-1] affidavit (glerma) (Entered: 02/27/2003)
03/04/2003		(Court only) **Bar code printed for [18-1] Minute Entry (shytnen) (Entered: 03/04/2003)
03/20/2003		(Court only) **Bar code printed for [22-1] unexecuted warrant (Irivera) (Entered: 03/20/2003)
04/03/2003	<u>27</u>	Docket Entry as to Robert NMI Garcia , filed. USM advised dft had been arrested in McAllen, TX on 4/3/03. Indictment unsealed upon dft's arrest. (kbledsoe) Modified on 04/09/2003 (Entered: 04/07/2003)
04/03/2003		Indictment unsealed as to Robert NMI Garcia (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [1-1] indictment in (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [2-1] notice (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [3-1] motion to seal indictment and related documents (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [5-1] motion for Issuance of Warrant, [5-2] motion to set Bond (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [6-1] order (kbledsoe) (Entered: 04/07/2003)
04/07/2003		(Court only) **Bar code printed for [26-1] entry docket (kbledsoe) (Entered: 04/07/2003)
04/07/2003		ARREST of Robert NMI Garcia (Irivera) (Entered: 04/09/2003)
04/07/2003	<u>28</u>	Initial appearance as to Robert NMI Garcia held before Magistrate Judge Dorina Ramos ; Detention Hearing set for 9:00 4/10/03 for Robert NMI Garcia Ct Reporter: Carmel Phelps Tape Number: 11:04-11:24 Interpreter: Not used App: Terry Leonard f/govt; (Defendant informed of rights.) , filed. Deft appeared w/o attorney. Deft requests appointed counsel. Detention set for April 10, 2003 at 9:00. Court grants Govt's request for temporary detention and a continuance to prepare for the detentin hearing. Deft remanded. (Irivera) (Entered: 04/09/2003)
04/07/2003	<u>29</u>	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Robert NMI Garcia Detention Hearing set for 9:00 4/10/03 for Robert NMI Garcia (Signed by Magistrate Judge Dorina Ramos), entered. (Irivera) (Entered: 04/09/2003)

04/08/2003	<u>30</u>	arrest WARRANT issued 1/9/03 Returned Executed as to Robert NMI Garcia on 4/7/03 , filed. (kbledsoe) (Entered: 04/11/2003)
04/08/2003		(Court only) **Location LC as to Robert NMI Garcia (kbledsoe) (Entered: 04/11/2003)
04/10/2003	<u>31</u>	Call for Detention Hearing as to Robert NMI Garcia not held before Magistrate Judge Dorina Ramos Ct Reporter: Lupita Corbett Tape Number: 9:14-9:14 Interpreter: no used App: Anibal Alaniz f/govt; David Higdon f/deft , filed. Detention hearing continued to Wed, April, 16, 2003 at 9:00. Deft not present TB-reactor. Deft remanded. (lriviera) Modified on 07/31/2003 (Entered: 04/18/2003)
04/10/2003	<u>32</u>	NOTICE of Appearance for Robert NMI Garcia by Attorney David Alan Higdon , filed. (lriviera) (Entered: 04/18/2003)
04/11/2003		(Court only) **Bar code printed for [30-1] executed warrant (kbledsoe) (Entered: 04/11/2003)
04/16/2003	<u>33</u>	Detention hearing as to Robert NMI Garcia held before Magistrate Judge Dorina Ramos Ct Reporter: Lupita Corbett Tape Number: 9:18-9:22 Interpreter: not used App: James Sturgis f/govt; David Higdon f/dft , filed. Deft wit, Betty June Church Hernandez, defendant's aunt. Court takes judicial notice of Pretiral Report. Deft held without bond pending trial and Order of Detention Pending Trial to be entred. Indictment to be amended to rflect Deft's true name of Richard Garcia as requested by the Government. Defrt to be transferred to Corpus Christi asap. (lriviera) (Entered: 04/18/2003)
04/18/2003		(Court only) **Bar code printed for [32-1] notice appear/appearance (lriviera) (Entered: 04/18/2003)
04/29/2003	<u>34</u>	NOTICE of Setting : set Arraignment for 9:00 5/5/03 for Richard NMI Garcia before Magistrate Judge B. J. Ellington , filed. Parties ntfd. (lriviera) (Entered: 04/30/2003)
05/05/2003	<u>35</u>	Arraignment held before Magistrate Judge B. J. Ellington Ct Reporter: Grace Lerma Tape Number: 9:06:35-9:11:37 Jon Muschenheim f/govt; David Higdon f/deft. Robert NMI Garcia (2) 1, 2 , filed., Plea of Not Guilty: count 1, 2 . Deft. remanded to custody. (ysanchez) (Entered: 05/06/2003)
05/05/2003	<u>36</u>	SCHEDULING ORDER setting Pretrial Conference for 9:00 6/2/03; Jury Trial for 8:30 6/3/03 ; Jury Selection for 8:30 6/3/03 for Robert NMI Garcia ; Plea Agreement Due 5/23/03 before Judge Hayden W. Head, Jr (Signed by Magistrate Judge B. J. Ellington), entered. Parties ntfd. (ysanchez) (Entered: 05/06/2003)
06/02/2003	<u>37</u>	Pre-trial conference as to Robert NMI Garcia held before Judge Hayden W. Head, Jr Ct Reporter: Genay Rogan Tape Number: Digital: 9:41-9:42 App: Elsa Salinas-Patterson f/govt; David Alan Higdon f/deft , filed. Deft appeared w/ counsel. Announcement of plea of guilty to count 1. Deft remanded. (lriviera) (Entered: 06/03/2003)
06/02/2003	<u>38</u>	Re-Arraignment held before Judge Hayden W. Head, Jr Ct Reporter: Genay Rogan Tape Number: Digital: 3:11-3:29 App: Elsa Salinas-Patterson f/govt;

		David Higdon f/deft , filed., Plea of Guilty: Robert NMI Garcia (2) count(s) 1 (Terminated motions -, Written plea agreement filed. Sentencing set Monday, August 25, 2003 at 9:00. PSI ordered. Deft says he rented the motel and the car and prepared the other co-defendants to leave. Deft remanded. (Irivera) (Entered: 06/03/2003)
06/02/2003	<u>39</u>	Plea Agreement as to Robert NMI Garcia , filed. (Irivera) (Entered: 06/03/2003)
06/02/2003	<u>40</u>	ORDER for Disclosure of PSI , PSI completion by 7/9/03 for Robert NMI Garcia , Objection to PSI due 7/23/03 , Final PSI due 8/4/03 , Sentencing set for 9:00 8/25/03 before Judge Hayden W. Head, Jr (Signed by Judge Hayden W. Head, Jr), entered. Parties ntfd. (Irivera) (Entered: 06/03/2003)
06/06/2003		(Court only) **Bar code printed for [41-1] motion to continue sentencing (shytnen) (Entered: 06/06/2003)
07/31/2003	<u>46</u>	OBJECTION by Robert NMI Garcia to Presentence Investigation Report as to Robert NMI Garcia , filed. (kbledsoe) (Entered: 08/01/2003)
07/31/2003	<u>47</u>	MOTION by Robert NMI Garcia for extension of time to file objections to Presentence Investigation Report or in the alternative, Motion for leave to file Late Objections to Presentence Investigation Report , filed. (kbledsoe) (Entered: 08/01/2003)
08/01/2003		(Court only) **Bar code printed for [46-1] objection presentence investigation (kbledsoe) (Entered: 08/01/2003)
08/01/2003		(Court only) **Bar code printed for [47-1] motion for extension of time to file objections to Presentence Investigation Report or in the alternative, Motion for leave to file Late Objections to Presentence Investigation Report (kbledsoe) (Entered: 08/01/2003)
08/01/2003	<u>48</u>	ORDER granting [47-1] motion for extension of time to file objections to Presentence Investigation Report or in the alternative, Motion for leave to file Late Objections to Presentence Investigation Report as to Robert NMI Garcia (2) (Signed by Judge Hayden W. Head, Jr), entered. Parties ntfd. (shytnen) (Entered: 08/05/2003)
08/06/2003	<u>49</u>	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Robert NMI Garcia , filed. (kbledsoe) (Entered: 08/07/2003)
08/06/2003	<u>50</u>	SEALED Confidential Sentencing Recommendation regarding Robert NMI Garcia to the Court, filed and placed in vault. (kbledsoe) (Entered: 08/07/2003)
08/25/2003	<u>52</u>	RESPONSE by USA as to Richard NMI Garcia to [49-1] Presentence Investigation report , filed. (kbledsoe) (Entered: 08/26/2003)
08/26/2003		(Court only) **Bar code printed for [52-1] response (kbledsoe) (Entered: 08/26/2003)
08/26/2003	<u>54</u>	Sentencing held before Judge Hayden W. Head, Jr Ct Reporter: Genay Rogan Digital 1:10-1:36 Appearances: Elsa Salinas Patterson f/govt;David

		Higdon f/deft. Richard NMI Garcia (2) count(s) 1. 60 mos BOP; 3 years Supervised Release Term; \$1,000 fine; \$100 Special Assessment , filed. US Probation Officer: Stanley Ruta Deft's Motion for Continuance due to the fact that the state conviction could run concurrent to this conviction. The state said that it will be two weeks before it is reset. Gov is unopposed to motion. The court advises that he will not be running the sentences concurrent anyway. Gov has no position on the issue of running the convictions concurrent. USPO says that this deft is considered a federal prisoner and that the state has a detainer on him. The issue of running concurrently would be solely up to the state of Texas. The Court denies the motion for continuance. Discussion of deft's objections. Discussion of the fact that there is a 5 year cap on this conviction. USPO says that the guideline range can go up to 150-188 months. Defense objects to the 188.8 g cocaine in paragraph 15 and marijuana as relevant conduct. Defense objects to the weapon also. The Court sustains the objections. Deft will be at a level 17, range 51-63 months. Deft does not wish to speak. Gov recommends 60 month. Defense asks for low end of range. Defense asks for a 5k departure for cooperation. Gov will not be moving for that departure. Gov Witness #1 Charles Bartels. Deft remanded. (shytnen) (Entered: 08/27/2003)
08/26/2003		(Court only) **Case closed as to all defendants: Gary NMI Garoutte, Richard NMI Garcia (shytnen) (Entered: 08/27/2003)
08/26/2003		DISMISSAL of Count(s) on Government Motion Counts Dismissed: Richard NMI Garcia (2) count(s) 2 (shytnen) (Entered: 08/27/2003)
08/27/2003		(Court only) **Bar code printed for [53-1] motion to continue sentencing (shytnen) (Entered: 08/27/2003)
08/31/2003	<u>56</u>	JUDGMENT as to , Richard NMI Garcia (2) count(s) 1 (Signed by Judge Hayden W. Head, Jr), entered. Parties ntfd. The Statement of Reasons has been placed under seal in the envelope with the Original Presentence Report. Copies of the SOR have been sent to the appropriate defense counsel, the AUSA, and the US Marshal. (kbledsoe) (Entered: 09/02/2003)
10/03/2003		(Court only) **Bar code printed for [57-1] executed writ (shytnen) (Entered: 10/03/2003)
10/17/2003		(Court only) **Bar code printed for [58-1] CJA (kbledsoe) (Entered: 10/17/2003)
07/18/2011	<u>63</u>	Transfer of Jurisdiction form signed by Judge Head, original returned to USPO as to Richard NMI Garcia, filed.(amireles,) (Entered: 07/18/2011)
08/18/2011	<u>64</u>	Supervised Release Jurisdiction Transferred to Western District of Texas, Austin Division as to Richard NMI Garcia., filed.(dterrell,) (Entered: 08/18/2011)
08/18/2011	<u>65</u>	TRANSMITTAL LETTER as to Richard NMI Garcia re: transfer of jurisdiction, filed. (dterrell,) (Entered: 08/18/2011)